

1 COLLEEN BAL (*pro hac vice*)  
2 cbal@wsgr.com  
3 BART E. VOLKMER (*pro hac vice*)  
4 bvolkmer@wsgr.com  
5 WILSON SONSINI GOODRICH & ROSATI  
6 650 Page Mill Road  
7 Palo Alto, Ca 94304-1050  
8 Telephone: (650) 493-9300  
9 Facsimile: (650) 493-6811

KURT OPSAHL (*pro hac vice*)  
kurt@eff.org  
CORYNNE MCSHERRY (*pro hac vice*)  
corynne@eff.org  
ELECTRONIC FRONTIER FOUNDATION  
454 Shotwell Street  
San Francisco, Ca 94110  
Telephone: (415) 436-9333  
Facsimile: (415) 436-9993

6 CHAD BOWERS  
7 bowers@lawyer.com  
8 CHAD A. BOWERS, LTD  
9 Nevada State Bar No. 7283  
10 3202 West Charleston Boulevard  
11 Las Vegas, Nevada 89102  
12 Telephone: (702) 457-1001

13 Attorneys For Defendant & Counterclaimant  
14 THOMAS A. DIBIASE

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 Righthaven LLC, a Nevada limited- ) CASE NO.: 2:10-cv-01343-RLH-PAL  
18 liability company, )  
19 Plaintiff, )  
20 v. )  
21 THOMAS A. DIBIASE, an individual, )  
22 Defendant. )  
23 \_\_\_\_\_ )  
24 THOMAS A. DIBIASE, an individual, )  
25 Counterclaimant, )  
26 v. )  
27 Righthaven LLC, a Nevada limited- )  
28 liability company, )  
Counter-defendant. )  
\_\_\_\_\_ )

**MOTION TO WITHDRAW AS  
COUNSEL; PROPOSED ORDER**

1                   **NOTICE OF MOTION & MOTION**

2                 Please take notice that defendant and counterclaimant Thomas DiBiase (“DiBiase”)  
3 respectfully moves for an order permitting Bart E. Volkmer (“Volkmer Decl.”) to withdraw as  
4 his counsel in this action.

5                   **MEMORANUDM OF POINTS & AUTHORITIES**

6                 Local Rule IA 10-6 provides that “[n]o attorney may withdraw after appearing in a case  
7 except by leave of Court after notice has been served on the affected client and opposing  
8 counsel.” By this motion, Mr. DiBiase moves for an order allowing Bart E. Volkmer to  
9 withdraw as his counsel in this action because Mr. Volkmer will be leaving the firm of Wilson  
10 Sonsini Goodrich & Rosati for other employment. Mr. DiBiase consents to Mr. Volkmer  
11 withdrawing as his counsel. Mr. DiBiase will continue to be represented in this action by the  
12 Electronic Frontier Foundation and Wilson Sonsini Goodrich & Rosati. Mr. Volkmer’s  
13 withdrawal will not affect any case deadlines.

14 Dated: August 26, 2011

Respectfully submitted,

15                   WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

16                   By: /s/ Bart E. Volkmer  
17                   Bart E. Volkmer (*pro hac vice*)  
18                   650 Page Mill Road  
Palo Alto, California 94304

19                   *Attorneys for Thomas A. DiBiase*

20                   **[PROPOSED] ORDER**

21                 For good cause shown, the Court grants Mr. DiBiase’s motion to have Bart E. Volkmer  
22 withdraw as his counsel in this action.

23 IT IS SO ORDERED:

24  
25                   \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

26  
27                   DATED: \_\_\_\_\_

28